

July 21 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. OP 10-0333

FILED

JUL 21 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA
ORDER

CHARLES LOKEY and VANESSA LOKEY,

Petitioners,

v.

MONTANA EIGHTEENTH JUDICIAL DISTRICT
COURT, GALLATIN COUNTY, and THE
HONORABLE WILLIAM NELS SWANDAL,
Presiding Judge,

Respondents.

Petitioners Charles Lokey and Vanessa Lokey have filed herein a petition for writ of supervisory control. The underlying matter is Cause No. DV-08-57B now pending in the Eighteenth Judicial District Court, Gallatin County. The Lokeys assert that the District Court, having gratuitously asserted in an order denying summary judgment that Charles Lokey violated § 61-8-324, MCA, is proceeding under a mistake of law causing gross injustice. The Lokeys further assert that this issue presents a legal question and urgency renders the normal appeal process inadequate.

IT IS HEREBY ORDERED, pursuant to Rule 14(7), M. R. App. P., that the Respondent District Court and/or the defendants in Cause No. DV-08-57B in the Eighteenth Judicial District Court, Gallatin County, are granted twenty days in which to respond to the petition for writ of supervisory control.

The Clerk is directed to provide copies of this Order to counsel for the Petitioners, to counsel for the defendants in Gallatin County Cause No. DV-08-57B, and to the Honorable William Nels Swandal, presiding District Judge.

DATED this 20 day of July, 2010.


Michael C. Wheat

Paul S.

W. William Rychert

Jim Rice

Justices